

STEVEN L. DERBY, ESQ. (SBN 148372)  
CELIA McGUINNESS, ESQ. (SBN 159420)  
DERBY, McGUINNESS, & GOLDSMITH, L.P.  
300 Lakeside Drive, Suite 1000  
Oakland, CA 94612  
Telephone: (510) 987-8778  
Facsimile: (510) 359-4419  
cmcguinness@dmglawfirm.com

PAUL L. REIN, Esq. (SBN 43053)  
LAW OFFICES OF PAUL L. REIN  
200 Lakeside Drive, Suite A  
Oakland, CA 94612  
Telephone: 510/832-5001  
Facsimile: 510/832-4787  
reinlawoffice@aol.com

MICHAEL E. GATTO, Esq. (SBN 196474)  
VAN BLOIS & ASSOCIATES  
7677 Oakport Street, Suite 565  
Oakland, CA 94621  
Phone: 510.635.1284  
Fax: 510.635.1516  
mgatto@vanbloislaw.com

Attorneys for Plaintiff  
NICOLE MOSS

*\*Defendants and their counsel listed on next page*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

NICOLE MOSS,

Plaintiff,

v.

KINDRED HEALTHCARE  
OPERATING, INC.; THC-ORANGE,  
COUNTY, INC., dba KINDRED  
HOSPITAL-SAN FRANCISCO BAY  
AREA; VENTAS REALTY, L.P.; SAN  
FRANCISCO GENERAL HOSPITAL  
AND TRAUMA CENTER; CITY AND  
COUNTY OF SAN FRANCISCO; and  
DOES 1-20, INCLUSIVE

Defendants.

Case No. 4:16-cv-00657-YGR

Civil Rights

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR DISMISSAL WITH  
PREJUDICE OF ALL DEFENDANTS;  
ORDER VACATING COMPLIANCE  
HEARING**

**\*as modified by the Court\***

**FRCP 41(a)(1)(A)(ii)**

1 GREGORY ISKANDER, ESQ. (SBN 200215)  
2 LITTLER MENDELSON, P.C.  
3 1255 Treat Blvd., Suite 600  
4 Walnut Creek, California 94597  
5 Telephone: (925) 932-2468  
6 Facsimile: (925) 946-9809

7 Attorneys for Defendants  
8 KINDRED HEALTHCARE OPERATING, INC.;  
9 THC-ORANGE, COUNTY, INC., dba KINDRED  
10 HOSPITAL-SAN FRANCISCO BAY AREA and  
11 VENTAS REALTY, L.P

12 DENNIS J. HERRERA, State Bar #139669  
13 City Attorney  
14 CHERYL ADAMS, State Bar #164194  
15 Chief Trial Deputy  
16 THOMAS S. LAKRITZ, State Bar #161234  
17 Deputy City Attorney  
18 Fox Plaza  
19 1390 Market Street, 6th Floor  
20 San Francisco, California 94102-5408  
21 Telephone: (415) 554-4218  
22 Facsimile: (415) 554-3837  
23 E-Mail: [tom.lakritz@sfgov.org](mailto:tom.lakritz@sfgov.org)

24 Attorneys for Defendant  
25 CITY AND COUNTY OF SAN FRANCISCO

26 Pursuant to the Court's Order Continuing the Compliance Hearing (Dkt. 76) and the  
27 Settlement Agreement between the parties, IT IS HEREBY STIPULATED by and between the  
28 parties to this action through their designated counsel, that all claims brought by Plaintiff Nicole  
Moss in this action shall be dismissed with prejudice as to all Defendants, pursuant to FRCP  
41(a)(1)(A)(ii), with each party to bear its own attorneys' fees, costs and litigation expenses.

**IT IS SO STIPULATED.**

Dated: November 8, 2018

DERBY, MCGUINNESS, & GOLDSMITH, L.P.

By: /s/ Celia McGuinness  
CELIA MCGUINNESS, ESQ.  
Attorneys for Plaintiff

1 Dated: November 8, 2018

DENNIS J. HERRERA  
City Attorney  
CHERYL ADAMS  
Chief Trial Deputy  
THOMAS S. LAKRITZ  
Deputy City Attorney

2  
3  
4  
5 By: /s/ Thomas S. Lakritz  
6 THOMAS S. LAKRITZ, ESQ.  
7 Attorneys for Defendant  
8 CITY AND COUNTY OF SAN FRANCISCO

9  
10 Dated: November 14, 2018

LITTLER MENDELSON, P.C.

11 By: /s/ Gregory Iskander  
12 GREGORY ISKANDER, ESQ.  
13 Attorneys for Defendant  
14 KINDRED HEALTHCARE OPERATING  
15 INC., et al.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FILER'S ATTESTATION**

Pursuant to Local Rule 5-1, I hereby attest that on November 14, 2018, I, Celia McGuinness attorney with Derby McGuinness Goldsmith, LLP received the concurrence of all counsel in the filing of this document.

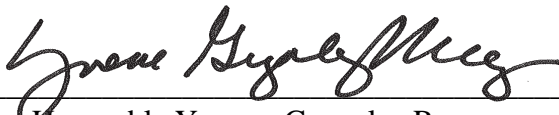
/s/ Celia McGuinness

Celia McGuinness  
DERBY MCGUINNESS GOLDSMITH, LLP

**~~PROPOSED~~ ORDER**

Pursuant to the stipulation of the parties, and for good cause shown, IT IS SO ORDERED that all claims brought by Plaintiff Nicole Moss in this action shall be dismissed with prejudice as to all Defendants, pursuant to FRCP 41(a)(1)(A)(ii), with each party to bear its own attorneys' fees, costs and litigation expenses. Accordingly, the compliance hearing set for November 23, 2018 is VACATED.

Dated: November 15, 2018

  
\_\_\_\_\_  
The Honorable Yvonne Gonzalez Rogers  
United States District Judge